

**SEPTEMBER 13, 2005**

**CITY OF GUNNISON COUNCIL  
REGULAR SESSION MINUTES**

**7:00 P.M.**

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with City Councilors Medina, Harriman, Miller and Nesbitt present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Community Development Director Westbay, Public Works Director Coleman, Finance Director Hanson, many interested citizens and the press.

**Consent Agenda:**

**Regular Session Meeting Minutes of August 23, 2005.**

**Special Session Meeting Minutes of August 30, 2005.**

**Approve License Agreement Application from Clark Snyder, 214 S. 7th Street, to Place a Fence on City Right-of-Way, with Four Conditions Listed in Planning Staff Recommendation and Authorize Mayor to Sign Said Agreement.**

**Approve Challenge Grant Application in the Amount of \$1,500 for GunniCross Challenge, October 1st and 2nd, at Jorgensen Park, with Four Conditions Listed in Challenge Grant Committee Recommendation and Authorize Mayor to Sign Said Agreement.**

**Approve Memorandum Agreement with Gunnison County, Re: Tenderfoot Child and Family Development Center Funding and Authorize Mayor to Sign Said Agreement.**

**Approve Letter from City Council to Interior Secretary Gale Norton.**

Mayor Ferguson explained these items had been previously discussed. The Mayor asked if anyone wanted a Consent Agenda item pulled from the Agenda and discussed separately. Councilor Miller requested the Special Session Minutes of August 30, 2005, be pulled from the agenda and Councilor Harriman asked that the Tenderfoot Child and Family Development Center Memorandum Agreement be pulled and acted upon separately. The Memorandum Agreement was placed under Unfinished Business on the Agenda.

Councilor Harriman moved and Councilor Miller seconded the motion that the Consent Agenda be approved as modified.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.

Roll call vote, no: None.

**Consideration of Special Session Meeting Minutes of August 30, 2005.** Councilor Miller asked this item be pulled from the Consent Agenda, as he was absent from the meeting.

Councilor Medina moved and Councilor Harriman seconded the motion to approve the Special Session Meeting Minutes of August 30, 2005, as submitted.

Roll call vote, yes: Harriman, Ferguson, Nesbitt, Medina. So carried.

Roll call vote, abstain: Miller. He was absent from that meeting.

Roll call vote, no: None.

**Pre-Scheduled Citizens:**

**Cable Franchise Representatives from Adelphia Communications and Time Warner NY LLC.** Bob Duchon, Vice-President of River Oaks Communications, Tom Larsen, Vice-President with Adelphia Communications in Colorado Springs and Nancy Sanders, Vice-president with Time Warner NY LLC from their Denver office, addressed Council. Mr. Duchon explained Time Warner has filed a letter with the Federal Communications Commission (FCC) requesting the transfer of the City's Cable Franchise. Mr. Larsen discussed Adelphia's bankruptcy and the proposed transfer to Time Warner. The FCC and the Federal Trade Commission (FTC) have to approve the transfer before it becomes final. Mr. Larsen stated the pole attachment agreement Adelphia has with the City will be assigned to Time Warner once the transfer is complete. Discussion ensued on the following topics: Plans for High Definition TV – no definite plans at this point; Future rate increases – hasn't been determined at this time; Services – will be competitive and offer a variety of services, programming packages and prices; Presence of local office – will be local for the present time but the future hasn't been determined; Selling off of our system to another company – no plans at this time but it could or could not happen; and, Any interruption of service in the community – no interruption should occur. Either Adelphia or Time Warner will keep the system going through the transfer process.

**Update on Western State College – President Dr. Jay Helman.** Dr. Helman updated Council on the following: Thanked the City for the in-kind help on the WSC Community Track project; Homecoming week is this week and the WSC Board and the Foundation will have a joint meeting on Friday; Six million dollars has been raised for the new Borick Business Building and the groundbreaking will take place Saturday morning; Retention is up 8-½% for first time freshmen; Total enrollment is down approximately 10 students but up in non-resident students and 60 in transfer students; and, The effect of the defeat of Referenda C and D could result in the loss of \$3.3 million in State funding for WSC. Dr. Helman thanked Council and stated he would make regular updates in the future.

**Unfinished Business:**

**Approve Memorandum Agreement with Gunnison County, Re: Tenderfoot Child & Family Development Center Funding and Authorize Mayor to Sign Said Agreement.**

Councilor Harriman asked Finance Director Hanson where the finding is coming from and if the agreement obligates the City for future funding. Director Hanson stated the funding would come from the Grants and Contracts for Service line items in the 2006 and 2007 budgets and language in the Agreement states future funding is contingent upon the funds being annually budgeted. City Attorney Landwehr explained that approval of the Memorandum Agreement doesn't commit the 2006 and 2007 funds until the budget is approved for those years.

Councilor Miller moved and Councilor Nesbitt seconded the motion to approve the Memorandum Agreement with Gunnison County regarding funding the Tenderfoot Child & Family Development Center and to authorize the Mayor to sign the Agreement.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.  
Roll call vote, no: None.

**New Business:**

**Action on Acceptance of 2004 City Audit.** Finance Director Hanson reported the final Audit is still at the printers but the bottom line numbers haven't changed since the audit was presented to Council by Dean Johnson a couple of weeks ago.

Councilor Miller moved and Councilor Harriman seconded the motion to accept the 2004 City Audit as presented.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.  
Roll call vote, no: None.

**Action on Acceptance of City Manager's Resignation.** All of Council stated they were reluctantly accepting Manager Collins' resignation, wished him well in Laramie and thanked him for all he's done for the City. Manager Collins thanked his wife, Jeannine Collins for her support in his career.

Councilor Nesbitt moved and Councilor Medina seconded the motion to reluctantly accept City Manager Collins' resignation.

Roll call vote, yes: Nesbitt, Medina, Harriman, Ferguson, Miller. So carried.  
Roll call vote, no: None.

**Possible Action on Contract for Consulting Services to Select New City Manager.** City Manager Collins explained a Request for Proposals was sent out to five consulting companies for recruitment services for a new city manager. Two proposals were received by the deadline, one from New Horizon Partners and the other from Rainguet & Associates. Discussion ensued.

Councilor Miller moved and Councilor Medina seconded the motion to award the contract for consulting services to select a new city manager to Rainguet & Associates and to authorize the Mayor to sign said contract.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.  
Roll call vote, no: None.

**Ordinance and Resolutions:**

**Ordinance No. 11, Series 2005; Re: Approving Transfer of City Cable Television Franchise Agreement from Southwest Colorado Cable Inc./Adelphia Communications to Time Warner NY Cable, 1st Reading.**

Councilor Miller introduced Ordinance No. 11, Series 2005, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Nesbitt seconded the motion that Ordinance No. 11, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING THE ASSIGNMENT OF THE CABLE TELEVISION SYSTEM FRANCHISE AGREEMENT AND THE CABLE SYSTEM TO TIME WARNER NY CABLE LLC**, be introduced, read, passed and ordered published on first reading this 13th day of September, 2005.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.  
Roll call vote, no: None.

**Resolution No. 28, Series 2005; Re: Changes in CCOERA Section 401(a) Retirement Plan for Non-Police Department City Employees.**

Councilor Miller introduced Resolution No. 28, Series 2005, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Nesbitt seconded the motion that Resolution No. 28, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING THE COLORADO COUNTY OFFICIALS AND EMPLOYEES RETIREMENT ASSOCIATION (CCOERA) RETIREMENT PLAN, AS MODIFIED ON JULY 1, 2004, TO COMPLY WITH STATE STATUTES**, be introduced, read, passed and adopted this 13th day of September, 2005.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.  
Roll call vote, no: None.

**Resolution No. 29, Series 2005; Re: Changes in CCOERA Section 401(a) Retirement Plan for Police Department City Employees.**

Councilor Miller introduced Resolution No. 29, Series 2005, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Nesbitt seconded the motion that Resolution No. 29, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING THE COLORADO COUNTY OFFICIALS AND EMPLOYEES RETIREMENT ASSOCIATION (CCOERA) RETIREMENT PLAN, AS MODIFIED ON JULY 1, 2004, TO COMPLY WITH STATE STATUTES**, be introduced, read, passed and adopted this 13th day of September, 2005.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.  
Roll call vote, no: None.

**Resolution No. 30, Series 2005; Re: Changes in CCOERA Section 457 Retirement Plan for Non-Police Department City Employees.**

Councilor Miller introduced Resolution No. 30, Series 2005, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Harriman seconded the motion that Resolution No. 30, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING THE COLORADO COUNTY OFFICIALS AND EMPLOYEES RETIREMENT ASSOCIATION (CCOERA) DEFERRED COMPENSTAION PLAN, AS MODIFIED ON JULY 1, 2004, TO COMPLY WITH STATE STATUTES**, be introduced, read, passed and adopted this 13th day of September, 2005.

Roll call vote, yes: Nesbitt, Medina, Harriman, Ferguson, Miller. So carried.

Roll call vote, no: None.

**Resolution No. 31, Series 2005; Re: Changes in CCOERA Section 457 Retirement Plan for Police Department City Employees.**

Councilor Miller introduced Resolution No. 31, Series 2005, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Nesbitt seconded the motion that Resolution No. 31, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING THE COLORADO COUNTY OFFICIALS AND EMPLOYEES RETIREMENT ASSOCIATION (CCOERA) DEFERRED COMPENSTAION PLAN, AS MODIFIED ON JULY 1, 2004, TO COMPLY WITH STATE STATUTES**, be introduced, read, passed and adopted this 13th day of September, 2005.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.

Roll call vote, no: None.

**City Attorney:** Nothing further to report.

**City Manager: Mark Collins:** Nothing further to report.

**Acting City Manager: Parks & Recreation Director Ampietro:** Absent.

**City Clerk: Gail Davidson:** Reminded Council the annual Tourism Association meeting is this Thursday, September 15, at 5:30 P.M., at the Almont Resort and Council is invited to attend. The City Clerk then informed Council she had received a request from Mike Avery, with the Gunnison Farmers' Market. The Market organizers are requesting an extension of their multi-day Special Events Permit, that was previously approved by Council, to operate through Saturday, October 29th. They were previously scheduled to conclude on October 8th. Management Staff had reviewed the request and did not see any problem with the extension. The Market has been fairly successful and has had few complaints.

Councilor Miller moved and Councilor Nesbitt seconded the motion that the Farmers' Market Multi-Day Special Events Permit be extended through Saturday, October 29th.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.

Roll call vote, no: None.

**Non-Scheduled Citizens:**

Richard Karas gave a follow-up to Dr. Helman's report. He stated if Referenda C & D don't pass, not only will the College be hard-hit but the entire community will be hit as well. The State tuition stipend to students will be drastically decreased and this is a real threat to higher

education. He stated he feels WSC taxpayer money is being spent wisely on behalf of the citizens. On behalf of the Gunnison Valley Community Alliance, Mr. Karas passed out to Council and Staff a proposed review sheet for organizations to complete when they are asking for City funding. Finance Director Hanson stated she will review the proposal and will talk with Mr. Karas about the format.

**General Discussion/Items for Work Session:**

**Councilor Medina: Report on the Regional Transportation Authority Meeting.** Councilor Medina reported: Airplane seats are filling up quickly for this winter; Discussed how Hurricane Katrina could affect the winter flights (only 1-2% of last year's passengers were from Louisiana and Mississippi); Looking into more bus service between Gunnison and Crested Butte; The need for more park and ride areas for bus riders; and, They discussed possible ways regional bus service could be provided/funded. **Report on Insurance Trustees Meeting.** Councilor Medina deferred to Finance Director Hanson. Director Hanson reported if the existing plan level is maintained, there will be a premium increase of 36%. The Trustees are looking at a variety of options including increasing the deductible, changing the co-pay levels on network and non-network providers, and changing the prescription co-pay level. The new increase is now approximately 25%. There will be employee meetings on this change in the next couple of weeks.

**Councilor Harriman: Planning & Zoning Commission Meeting.** The Planning Commission will meet tomorrow night. She attended a Gunnison County Housing Authority meeting. They didn't have a quorum but she met the new staff. The Housing Authority is proposing a housing symposium for the end of October. They may be coming to the City for funding for the event. There will be a meeting on State Referenda C & D on September 29th on the WSC campus. Lastly, she attended the Customer Service Team meeting. They had a very visible year. They conducted a customer service survey in the past and are asking Council for input on whether Council would like this to be conducted again in 2006.

**Councilor Nesbitt: Report on WSC Advisory Meeting.** Councilor Nesbitt reported he has asked the College for more information on the velocity effect of money spent by students attending WSC. He'd like to know who's spending money, where and when. Councilor Nesbitt provided a letter from a local citizen concerning the regional bus service being discontinued. Discussion ensued. Councilor Medina informed Council the Regional Transportation Authority is looking into this issue. There was a \$80,000 per year shortfall with the bus line and CDOT was already subsidizing the service with \$135,000 annually. There is still some bus service out of Montrose and Alpine Express does provide some transport to Montrose from Gunnison.

**Mayor Pro Tem Miller:** Nothing further to report.

**Mayor Ferguson: Report on Mayors'/Managers' Meeting.** Mayor Ferguson reported he was unable to attend the meeting. City Manager Collins stated he would summarize his notes and get them to Council. The next meeting is in Gunnison on October 6th and is hosted by REIJ. Mayor Ferguson reported C.J. Miller, with the Pioneer Society, has invited Council to attend their annual thank you breakfast at the Fred Field Heritage Center on Tuesday morning, September 20th at 9:00 A.M.

**Adjournment:** The meeting adjourned at 8:51 P.M.

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Mayor

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City Clerk